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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,482	06/18/2002	Gil Prive	2274/47985	5611

7590

01/11/2005

Joseph D Evans
Crowell & Moring
PO Box 14300
Intellectual Property Group
Washington, DC 20044-4300

EXAMINER

AUDET, MAURY A

ART UNIT PAPER NUMBER

1654

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

01092005

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents**Response to Amendment and Argument**

The reply filed on October 28, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has amended the claims to be drawn to non-elected subject matter based on the finality of the restriction requirement (Office Action of 04/21/2004 concluding restriction "proper"). The claims are now be drawn to a peptide moiety of any amino acid sequence capable of forming an alpha-helical conformation. These limitations have not been searched. Furthermore, it is noted that the previous limitations were also not searched ("An amphipathic peptide conjugate having detergent properties and having a hydrophobic face and a hydrophilic face"). Specifically, Applicant still has not amended the claims to address the initial restriction requirement (see page 3-4) clearly laying out the requirement that that a single conjugate/peptide be elected as the invention (not species), since each is deemed a distinct invention, absent evidence to the contrary.

In the first Office Action of 07/28/2004, the Examiner searched the only distinctly claimed/found conjugate/peptide. In the present response of 10/28/2004, Applicant's arguments remain non-responsive in addressing the initial restriction requirement/first action (election of invention, not species). Applicant, on page 6-7, argues "there is no requirement in the law for the applicant to limit his claims to individual species". Notwithstanding the validity/invalidity of this statement, Applicant's arguments are moot as not addressing the issue at hand. Namely, that a conjugate (lipopeptide)/peptide was required to be elected as the INVENTION (not species), to which the claims would be examined.

It is suggested that Applicant amend the claims to the only searched/examined lipopeptide distinctly found. Alternatively, a Applicant may wish to consider filing a continuation application to pursue other subject matter of this application.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maury Audet whose

telephone number is 571-272-0960. The examiner can normally be reached from 7:00 AM – 5:30 PM, off Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached at 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

MA
01/09/05



CHRISTOPHER R. TATE
PRIMARY EXAMINER